REMARKS

Claims 1 and 3-44 are pending in the instant application. Claim 2 was previously canceled. Reconsideration of the Application and Claims is respectfully requested.

103 Rejections

Claims 1 and 3-44 are rejected under 35 U.S.C. § 103(a) as being obvious over Tindal (U.S. Patent Publication No. 2002/0069275 A1) in view of Nisbet et al. (U.S. Patent No. 6,834,304 B1). The Applicant has reviewed the cited references and respectfully submit that embodiments of the present invention as are set forth in Claims 1 and 3-44 are neither anticipated nor rendered obvious by Tindal in view of Nisbet et al.

The Examiner is respectfully directed to independent Claim 1 which sets forth that an embodiment of the present invention includes a method for auditing an optical network, comprising:

> ... transmitting a query to a hardware device in said
> optical network; receiving a response to said query
> subsequent to said transmitting; analyzing said response
> to said query; producing an audit report of said response
> and said analysis subsequent to said analyzing wherein said
> audit report is based on network configuration information;
> and transmitting a second query to said hardware device,
> said second query based on said response to said first query,
> in order to gather status information of said hardware device.

Independent Claims 13, 20, 25 and 36 recite limitations similar to those found in Claim 1.

Claims 3-12 depend from Claim 1, Claims 14-19 depend from Claim 13, Claims 26-35 depend

from Claim 25 and Claims 31-44 depend from Claim 36 and recite additional limitations of the Claimed invention.

Tindal does not anticipate or render obvious a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, and "wherein an audit report of said response based on network configuration information is produced." Tindal only shows dissimilar global GUI interface for network operating systems. Nowhere in the Tindal reference is a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, "wherein an audit report of said response based on network configuration information is produced" taught or suggested as is recited in Claim 1 (Claims 13, 20, 25 and 36 contain similar limitations). Consequently, Tindal does not anticipate or render obvious the embodiment of the Applicant's invention as set forth in Claims 1, 13, 20, 25 and 36.

Nisbet et al. does not teach or suggest a modification of Tindal that would remedy the deficiencies of Tindal noted above. More specifically, Nisbet et al. does not teach or suggest a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query "wherein an audit report of said response based on network configuration information is produced." as is recited in Claim 1 (Claims 13, 20, 25 and 36 contain similar limitations). Nisbet et al. only shows a dissimilar method and system for creating a network audit report. Nisbet et al. discloses a methodology for creating a network

audit report. However, the methodology for creating the network audit report that is disclosed by Nisbet et al. is very different from the methodology that is recited in Applicant's Claim 1.

The methodology of Nisbet et al. is fairly summarized by the flowchart of Figure 3. The flowchart of Figure 3 and it's corresponding description indicates that a summary of findings is produced for a specified directory location. However, nothing in the flowchart of Figure 3 or in it's corresponding description indicates that the findings are made in response to a first query and are used as a basis for a second query as is set forth in Claim 1. These important elements of Claim 1 simply are not shown or taught in either Tindal or Nisbet et al.

The Examiner contends at page 6 of the outstanding Office Action that Tindal "suggests producing responses to queries and corresponding analysis, and Tindal already suggests reporting device-initiated messages." However, even if this is taken as true, as has already been established above, there is no teaching or suggestion that a report is made in response to a first query and is used as a basis for a second query as is set forth in Claim 1.

In fact, nowhere in the Nisbet et al. reference is a system for auditing an optical network that includes transmitting a first query to a hardware device and transmitting a second query to the hardware device with the second query being based on the response to said first query, "wherein an audit report of said response based on network configuration information is produced" taught or suggested as is recited in Claim 1 (Claims 13, 20, 25 and 36 contain similar limitations. As such, the deficiencies of Tindal outlined above are clearly not remedied by the combination Nisbet et al. with Tindal.

Consequently, Tindal and Nisbet et al., either alone or in combination do not anticipate or render obvious the embodiment of the Applicant's invention as set forth in Claims 1, 13, 20, 25 and 36. Accordingly, the Applicant also respectfully submits that Tindal in view of Nisbet et al. does not anticipate or render obvious the present claimed invention as is recited in Claims 3-12, 14-19, 21-24, 26-35 and 37-44 which depend from allowable base Claims 1, 13, 20, 25 and 36 respectively.

Conclusion

In light of the above-listed remarks, the Applicant respectfully requests allowance of the remaining Claims.

The Examiner is urged to contact the Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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